

# House Research Act Summary

**CHAPTER:** 35

**SESSION:** 2005 Regular Session

**TOPIC:** Military, Salary Differential Pay for State Employees

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## Overview

This act clarifies current law that provides a pay differential to state employees who as members of the National Guard or other reserves are ordered to active military service and incur an earnings decrease as a result. The act clarifies that:

- 1) the person's total monthly gross salary, excluding any overtime pay, is the figure that must be used as the measure of the person's earnings as a state employee (averaged over the last three full months of the person's state employment before military mobilization); and
- 2) the pay differential calculations must be made on a monthly basis, rather than on an hourly basis or daily basis, since that is the basis for military pay, and to facilitate understanding and verification by recipients.

The act also clarifies the information sharing process, as follows:

- 1) It establishes that the soldier is responsible for notifying the employing agency of the military orders, and must provide the name and contact information for his or her designated power-of-attorney, if any.
- 2) It further establishes that the employing agency must:
  - a) Make information readily available (e.g., on its website) to inform its citizen-soldier employees of the various employment-related decisions that must be made upon mobilization regarding State benefit continuation and any optional deductions.

- b) The agency must also request the name and contact information of the person's designated power-of-attorney, if any, and immediately convey that information to the departments of finance and employee relations for their records in case of need.
- c) The agency must also provide to the employee's designated power of attorney a copy of any information or communications directed to the employee during the person's military leave, and must also honor requests for information or other appropriate directives from that designee on behalf of the employee during the person's military leave.

The act clarifies that the pay differential law is not superceded by the language of section 192.261 stipulating that long term military leave is an unpaid leave.

The act became effective the day following final enactment (May 6, 2005) and applies to employees serving in active military service on or after May 29, 2003, the date of enactment for the current pay differential program for State employees.