HOUSE RESEARCH

Bill Summary

Overview

This bill clarifies a provision of current statutes that requires payment of a *pay differential* to certain employees of public school districts when, as members of the Minnesota National Guard or other military reserves, they are ordered into active military service.

The bill clarifies that payment of the differential may be made only to a person whose *daily rate* of active duty base pay is less than the person's *daily rate* of pay as an active school district employee. Currently, the law uses the term, *salary* in both places, and it is unclear just what salary means, particularly for a teacher. The proposed clarification would, in certain instances, result in payment of a differential to employees who would otherwise be deemed ineligible by the school district. However, a district would remain protected under the law by being limited in the total amount of differential that it may pay to an employee – i.e., to the amount that the district saves after hiring a substitute for the employee's temporarily vacant position. (It is thought that such limit comes into effect in most instances in which a school district pays the differential.)

Any school district employee who happens to *earn more* during military deployment would remain ineligible under the law for a pay differential.

History:

Minnesota's pay differential laws for state and local public employees was initially enacted in 1991, partly repealed in 1997, and then reenacted in 2003. The current provisions pertaining to school districted was enacted in 2005.