

**SENATE  
STATE OF MINNESOTA  
NINETY-THIRD SESSION**

**S.F. No. 2766**

(SENATE AUTHORS: LIMMER)

DATE  
03/09/2023

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Introduction and first reading  
Referred to State and Local Government and Veterans

OFFICIAL STATUS

1.1 A bill for an act  
1.2 relating to state government; modifying elected official's right to reinstatement to  
1.3 a public position; amending Minnesota Statutes 2022, section 3.088, subdivision  
1.4 2.

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

1.6 Section 1. Minnesota Statutes 2022, section 3.088, subdivision 2, is amended to read:

1.7 Subd. 2. **Reinstatement.** (a) Except as provided in this section, upon the completion of  
1.8 the last legislative day in each calendar year, or, in the case of an elected city, county, or  
1.9 tribal council official, on the completion of the final day of the term to which the official  
1.10 was elected, the officer or employee shall be reinstated in the public position held at the  
1.11 time of entry into the legislature or taking city, county, or tribal council office, or be placed  
1.12 in a public position of like seniority, status, and pay if it is available at the same salary which  
1.13 would have been received if the leave had not been taken, upon the following conditions:

1.14 (1) that the position has not been abolished or that its term, if limited, has not expired;

1.15 (2) that the legislator makes a written application for reinstatement to the appointing  
1.16 authority within 30 days after the last legislative day in a calendar year or, in the case of an  
1.17 elected city, county, or tribal council official, within 30 days after the expiration of the  
1.18 elected term; and

1.19 (3) that the request for reinstatement is made not later than ~~ten years~~ one year after the  
1.20 granting of the leave.

1.21 Upon reinstatement, the officer or employee shall have the same rights with respect to  
1.22 accrued and future seniority status, efficiency rating, vacation, insurance benefits, sick leave,

2.1 and other benefits as if actually employed during the time of the leave. No public employer  
2.2 is required to compensate a reinstated employee or officer for time spent by that employee  
2.3 or officer away from work for the employer and on the business of the state legislature  
2.4 during the period between the first and last legislative day in each calendar year or on the  
2.5 business of an elected city, county, or tribal council office. No officer or employee reinstated  
2.6 shall be removed or discharged within one year after reinstatement except for cause and  
2.7 after notice and hearing, but this does not extend a term of service limited by law.

2.8 (b) This subdivision does not apply if the legislator or elected official is charged with a  
2.9 crime for action taken on leave or during employment following reinstatement.

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