

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

S.F. No. 4369

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DATE
03/16/2020

D-PG

Introduction and first reading
Referred to E-12 Finance and Policy

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to education; requiring compensation for hourly employees for school
1.3 days canceled due to COVID-19 during the 2019-2020 school year.

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

1.5 Section 1. **SCHOOL CLOSURES DUE TO COVID-19; 2019-2020 SCHOOL YEAR.**

1.6 Subdivision 1. Required school days and hours. (a) Notwithstanding any law to the
1.7 contrary, if a school district, charter school, the governor, commissioner of health, or
1.8 commissioner of education cancels a day or days of school for any of the reasons listed in
1.9 paragraph (b), the school district or charter school must compensate employees as provided
1.10 in subdivision 2.

1.11 (b) The following are reasons for a school cancellation under paragraph (a):

1.12 (1) providing for social distancing to prevent COVID-19 infections;

1.13 (2) cleaning or disinfecting school property to prevent COVID-19 infections; or

1.14 (3) complying with any requirement or suggestion by the state, the governor, or
1.15 commissioner of health related to a COVID-19 public health emergency.

1.16 Subd. 2. COVID-19 cancellation; employees. (a) This subdivision applies to an
1.17 employee of a school district or charter school that cancels a school day under subdivision
1.18 1 who:

1.19 (1) was scheduled to work on the day that school was canceled under subdivision 1;

1.20 (2) did not work on that day or worked fewer than the number of scheduled hours for
1.21 the employee on that day; and

2.1 (3) did not receive compensation for all scheduled hours that day.

2.2 (b) In addition to paragraph (a), this subdivision applies to any day or portion of a day
2.3 not worked, for which the employee was scheduled to work, that the employee did not work
2.4 at the recommendation or direction of a health care provider acting within the provider's
2.5 scope of practice or Department of Health staff member due to the possibility the employee
2.6 was infected with COVID-19.

2.7 (c) Notwithstanding any law to the contrary, for each day identified in paragraph (a) or
2.8 (b), a school district or charter school must compensate any school district or charter school
2.9 employee for any hours scheduled but not worked at the employee's regular rate of pay.

2.10 (d) Notwithstanding any law to the contrary, for the purposes of this subdivision, an
2.11 employee is scheduled to work if:

2.12 (1) a school district or charter school notified the employee of the schedule orally or in
2.13 writing;

2.14 (2) the employee works a fixed or periodically recurring schedule and had not notified
2.15 the school district or charter school that the employee intended to deviate from that schedule;
2.16 or

2.17 (3) in the event of a school closure that disrupts the ability of a school district or charter
2.18 school to notify the employee of the employee's schedule, the employee is deemed scheduled
2.19 to work the same number of hours and days as the last schedule for which the school district
2.20 or charter school provided notice.

2.21 (e) Notwithstanding any law to the contrary, compensation under this subdivision must
2.22 not be deducted from accrued sick or paid leave unless the employee is actually being treated
2.23 for a COVID-19 infection.

2.24 (f) Notwithstanding any law to the contrary, a school district or charter school must
2.25 count any hours or days for which an employee is entitled to compensation under this
2.26 subdivision as hours or days worked for the purpose of entitlement to or accrual of any
2.27 benefits to which the employee would be otherwise entitled.

2.28 Subd. 3. **Probationary teachers.** For the 2019-2020 school year only, for purposes of
2.29 Minnesota Statutes, sections 122A.40, subdivision 5, paragraph (e), and 122A.41, subdivision
2.30 2, paragraph (d), the minimum number of days of teacher service that a probationary teacher
2.31 must complete equals the difference between 120 days and the number of scheduled
2.32 instructional days that were canceled for COVID-19 related reasons under subdivision 1.

3.1 Subd. 4. **Accounting.** Notwithstanding any law to the contrary, services paid under
3.2 subdivision 2, including expenses recorded in the food service fund, may be charged to the
3.3 same Uniform Financial Accounting and Reporting Standards object code to which the
3.4 service is charged for an instructional day.

3.5 **EFFECTIVE DATE.** This section is effective the day following final enactment and
3.6 is retroactive to the beginning of the 2019-2020 school year.